

### REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claim 1 has been amended as supported by the specification at page 13, lines 8-9 and example 2 (glucose sensor (4)) at page 29, lines 11-23 and table 2 on page 30. Claim 1 has been further amended editorially. Claim 16 has been amended as supported by the specification at page 15, line 21 to page 16, lines 13.

Claims 1-3, 5-10, and 16-24 have been rejected under 35 U.S.C. 102(b) as being unpatentable over Shanks et al. (International Patent Application Publication No. WO 86/00141). Applicants respectfully traverse this rejection.

Claim 1 is directed to an electrode-free analyzing tool and recites that the analyzing tool includes a reaction space and a reagent portion arranged in the reaction space. Claim 1 further recites that the reagent portion includes a first part and a second part facing each other and that both first part and the second part of the reagent portion contain the same color-developing reagent. By including the same color-developing reagent in both first and second parts facing each other, a diffusion distance for the color-developing reagent can be a half of that for the reagent placed in only one of the first and second parts (see page 15, line 25 – page 16, line 13 of the specification). To equalize a concentration of the color-developing reagent in the reaction space, the reagent must be diffused only from a surface of each of the first and second parts of the reagent portion to a center between the first and second parts when the both first and second parts includes the color-developing reagent, instead of diffusing from a surface of one part that includes the reagent to a surface of the other part that does not include the reagent (see *id.*). Thus, when the same reagent is contained in both first and second parts, the tool can enjoy substantially the same advantages, such as a considerably short measurement time, as those that a tool having a small distance between the first and second parts with only one of these including the color-developing reagent can provide (see *id.* at page 31, line 19 – page 32, line 4 and Figs. 19 A-C).

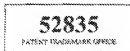
Shanks discloses a testing device including two different reactive layers in which reagents having different optical properties from each other are contained (see Fig. 8 and page 24, lines 28-35). Shanks, however, fails to disclose that the two reactive layers include the same coloring-developing reagent as claim 1 recites. Accordingly, claim 1, and claims 2-3 and 5-10 that ultimately depend from claim 1, are distinguished from Shanks.

Claim 16 recites an electrode-free analyzing tool that includes a reagent containing a color-developing reagent retained in a reagent retaining surface and further recites that the reagent retaining surface faces a facing surface that does not retain a reagent. The claim also recites that the color-developing reagent is soluble and dispersible in a sample supplied to a reaction space. By including the color-developing reagent that is soluble in the sample and can disperse within the sample in the tool, the color-developing reagent can be diffused in the sample between a facing surface and the reagent retaining surface, and a concentration of the color-developing reagent in the sample can be equalized (see page 15, line 21 – page 16, line 7 of the specification).

Shanks discloses color-developing reagents that are immobilized (see page 3 of the Office Action mailed October 22, 2010 and page 3, lines 32 – page 4, line 14 and page 11, lines 6-33 of Shanks). Shanks fails to disclose the color-developing reagent that is soluble and dispersible in the sample supplied to the reaction space as claim 16 recites. Thus, claim 16, and claims 17-24 that ultimately depend from claim 16, are distinguished from Shanks.

Accordingly, claims 1-3, 5-10, and 16-24 are distinguished from Shanks, and this rejection should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

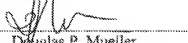


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Respectfully submitted,

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